

# Wastewater Rules EO10 Fact Sheet

## Chapters 60, 62, 63, 64, 66, 67, 68, and 69

### Overall Rule Changes

- Removed outdated rules that we no longer have authority to enforce.
- Replaced rules with citations to the Code of Iowa or the Code of Federal Regulations (CFR) where the rule section was entirely captured by one of those laws.
- Shortened, simplified and clarified rules and terminology where possible. Removed redundancy and guidance text.
- May combine Chs 60, 62, 63 & 64 into one Chapter (60); 60/64 into one (60); 62/63 into one (62), or 68/69 into one (68).
- NPDES General Permits, cited in Ch 64, and the Supporting Document for Monitoring Frequency Determination, cited in Ch 63, will not be altered as they just underwent rule cleanup in 2022. The Iowa Wasteload Allocation Procedure (WLAP) and the Iowa Antidegradation Implementation Procedure will also remain the same.
- Ch 61 is exempted from EO10. The definitions for terms in Ch 61 and the references to Ch 61 are not changing.

### Organization of Proposed Changes Documents

- A proposed changes version (except for 66 and 69), a clean version of the Chapters (except for 66), and the revised Iowa Wastewater Facilities Design Standards (IWFDS) are available on the WQB Rulemaking website at: <https://www.iowadnr.gov/Environmental-Protection/Water-Quality/Water-Quality-Rulemaking>
- The Proposed Changes versions contain comments regarding changes and authorizing provisions of Iowa Code or the CFR. The comments are structured as follows:
  - New or old rule citation, beginning text – New/old text or code match. Short explanation of change. Previous location.
  - Comment examples:
    - New 63.8(2), Content - "The results of any monitoring..." - Existing text; 40 CFR 122.41(l)(4)(ii).
    - New 64.1(3)"a", General - Moved from Chapter 60; was old 60.4(1)"a", General, last sentences.
    - Old 64.3(4)"b", "For any existing..." - From 40 CFR 122.26(a). Replaced by 40 CFR 122.26 reference in new 64.10(1).
  - **"New" and "Old" in reference to the rule citation (New 63.8(2)), indicate new or old rule numbering; "New" DOES NOT indicate that the text is new.**
  - Rules that are verbatim from the CFR are indicated by "Matches 40 CFR...". If the CFR is cited in a comment without the word "matches", the comment is indicating that the text is authorized by that portion of the CFR, but is not an exact match.
- Highlight key for Proposed Changes and Clean Versions (references with be verified and updated as rulemaking proceeds):
  - Iowa Administrative Code (IAC) rule references are highlighted in yellow.
  - Iowa Code references are highlighted in green.
  - References to the Clean Water Act (CWA or Act) and the Code of Federal Regulations (CFR) are highlighted in teal.
  - References to supporting documents are highlighted in purple.

### Chapter 60, Scope of Title - Definitions

- Terms defined in the Iowa Code or other portions of the IAC have been moved to new 60.2(2), and terms defined in the CFR have been moved to new 60.2(3), near the end of the revised Chapter.
- Code of Federal Regulations definition - CFR reference date will be updated to July 1, 2024.
- Minor permit amendment definition - Text regarding the revision of dates in schedules to meet the requirements of the Iowa Nutrient Reduction Strategy (NRS) has been added because the NRS is a state program and not tied to federal regulations for compliance schedules.
- Old 60.3, Wastewater forms - List of construction permit forms has been replaced with language in Ch 64.
- Old 60.4(1) & (2) - All permit application requirements (construction, NPDES, and operation) were moved to Ch 64.
- Old 60.4(2)"b", Amendments – All amendment requirements were moved to Ch 64.

### Chapter 62 – Effluent and Pretreatment Standards

- New 62.2(1) & (2), Secondary treatment/special considerations – Multiple sections of text are now 40 CFR references, as our rules already matched the federal regulations.
- New 62.2(3), Treatment equivalent to secondary treatment – We have no facilities permitted under this subrule and the rule matches the federal regulations, so the text has been replaced with a CFR reference.
- New 62.3, Federal effluent and pretreatment standards - We will no longer list every industrial category; the applicable parts of 40 CFR Part 125 and the entire 40 CFR 401-471 will be cited.

- Old 62.8(1), Effluent limitations more stringent than the effluent limitation guidelines – Text is obsolete and has been struck. It predates the newer Iowa Code 455B.173(2)(b).
- New 62.7(2) & (3), Pretreatment requirements/effluent limitations - Clarified that when a pollutant is regulated by federal categorical limits (old 62.8(3)) or is not regulated by federal categorical limits (old 62.8(5)), limits may be imposed for certain reasons.
- Old 62.9, Disposal of pollutants into wells – Text is outdated and has no basis. The disposal of pollutants into wells is now covered by the federal Underground Injection Control (UIC) law, and EPA manages the UIC program for Iowa.

### **Chapter 63 – Monitoring, Analytical, and Reporting Requirements**

- New 63.4, Whole effluent toxicity testing requirements in permits – Section is being updated and reworded.
- Old 63.9, 63.10, and 63.11 – Combined into new 63.8.
- Old 63.12, 63.13, 61.14, and 63.15 – Combined into new 63.9.
- Table I – Added the NPDES permit pre-discharge sample requirements to the table.
- Table I – *E. coli* sampling changed to twice per drawdown. A sample of once per drawdown does not provide enough information on renewal to determine if a limit is needed.
- Table II – Column for PE > 105,000 is struck. This column required daily monitoring for most parameters. Almost all of the waiver requests for monitoring are for daily monitoring, and there is a justifiable hardship component to daily monitoring. Private labs do not process samples on the weekend, and hold times for some parameters are short.

### **Chapter 64 – Wastewater Construction and Operation Permits**

- All permit application requirements (construction, NPDES, and operation) have been moved from Ch 60 into Ch 64 (new 64.1(3), 64.1(4), and 64.2(2)).
- New 64.1“c”(7), Anaerobic lagoon separation distances – Adding existing requirements for anaerobic lagoons from Iowa Code 455B.134, in the Air Quality subchapter of 455B. Text is being added rather than referenced, as it is not in the Water Quality subchapter of 455B.
- The Iowa Wastewater Facilities Design Standards (IWFDS) are being combined into one document and the existing chapter references are being removed from Ch 64. The new IWFDS will contain all the existing chapters. The IWFDS have been updated and clarified, as discussed in previous stakeholder meetings. See the separate IWFDS document.
- New 64.2(1)“g” - Adding new exemption for non-discharging water treatment plants from the requirement to obtain an operation permit, if the design was approved by DNR Water Supply Engineering. Operation permits are not necessary for these systems and department resources should be placed elsewhere. This is similar to the existing exemption for private sewage disposal systems with construction permits approved by DNR Wastewater Engineering.
- New 64.2(3), Requirements regarding indirect dischargers - Subrule on indirect dischargers (SIUs) was clarified and updated with the current terms.
- New 64.2(6), Amend, revoke & reissue, or terminate – all amendment language is now in Ch 64.
  - New 64.2(6)“d” - Compliance schedule amendments were moved from Ch 60 to Ch 64. Added text clarifying existing practice; must submit a request to change the final date in a compliance schedule 120 days prior to the final date. This is the minimum time needed to draft an amendment and get through public notice.
  - New 64.2(6)“e” - Requests to reduce monitoring requirements were moved from Ch 63 to Ch 64, as the language pertains to amendments.
- Old 64.5(4), Notice to other government agencies - Removed redundant text.
- Old 64.6(6), Transfer of ownership - Removed subrule on transfer of ownership for stormwater construction activity part of a larger common plan of development as the requirements are in GP #2.
- New 64.6(4), Compliance schedules in NPDES permits - Removed most of the text; will now cite Iowa Code and CFR.
- New 64.6(5) & 64.6(6) – Disadvantaged communities and disadvantaged unsewered communities - Sections were cleaned up, some text was reordered, and guidance language was removed.
- New 64.7(2), Renewal of coverage under a general permit - Removed requirement to submit NOIs when GPs are renewed, as there is specific language in the GPs to address this.
- New 64.10, Stormwater discharges – Added CFR citations and clarified existing program practices and requirements.

### **Chapter 66 - Pesticide Application to Waters**

- Ch 66 will not be re-adopted, as it only authorizes the application of pesticides in accordance with Ch 64.
- Old 66.1(2), Allowable applications - Text was moved to Ch 64.

## **Chapter 67 – Standards for the Land Application of Sewage Sludge**

- 67.5, Special definitions - Terms defined in the Iowa Code or the CFR have been moved to new subrules.
- 67.8(1)“c”, Vector attraction reduction requirements for Class II sludge - The 10 alternatives for VAR for Class I sludge are the same as for Class II sludge, so the text of 67.8(1) “c” has been replaced with a reference to 67.7(1)“c”.
- 67.8(3)“a”, Monitoring frequency for Class II sludge, Table 5 – The existing Table 2, Frequency of Monitoring for Class I sludge, matches Table 5, so Table 5 has been replaced with a reference to Table 2.
- 67.10, Sampling and Analytical Methods, and 67.11, Pathogen treatment processes – Replacing about half of 67.10 and all of 67.11 with CFR references.

## **Chapter 68 – Commercial Septic Tank Cleaners**

- New 68.3, Commercial septic tank and toilet unit cleaner licensing requirements and procedures - Combined old 68.3 and 68.4 into one rule, so all of the licensing requirements and procedures are in one rule.
- New 68.3(3), Septage disposal management plan (SDMP) - Replaced all references to waste management plans with SDMP, as it is the correct terminology.
- New 68.5, Licensee and County Obligations - Combined old 68.6 and 68.7 regarding licensee and county obligations (respectively) into one rule, so all of the obligation requirements are in one rule.
- New 68.7, Standards for commercial cleaning... and new 68.8, Standards for septage and waste disposal - rearranged existing requirements for clarity; the equipment, vehicle, and tank cleaning requirements in 68.7 and the septage discharge and land application requirements in 68.8 are all with their associated requirements.
- New 68.8(1) - Added existing prohibition regarding the land application of toilet units and holding tank waste from Iowa Code section 455B.172(6) for clarity.

## **Chapter 69 - Private Sewage Disposal Systems**

- Chapter 69 is proposed to be rescinded and re-adopted in its entirety in order to reorganize and simplify the chapter
- New 69.1(2), Definitions - Added at-grade system, filtered pump vault, gravel aggregate system, holding tank for waste, pressure distribution system, and proprietary treatment system. Removed packed bed media filter and pond.
- New 69.1(6), Equivalent of 16 individuals - Added clarification to the definition of “equivalent of 16 individuals”.
- New 69.1(10), Maximum flow rates - Added ability for an engineer to utilize design flows outside of Appendix A.
- New 69.1(11), Flow equalization - Added ability for an engineer to utilize flow equalization.
- New 69.2(7), Holding tanks - Added requirements and sizing criteria for holding tanks.
- New 69.5, Secondary treatment - Soil absorption systems and new 69.6, Secondary treatment - other - Organized secondary treatment in two categories for clarity.
- New 69.6 Secondary treatment - other - New category now includes “Proprietary Treatment Systems” to allow existing and new technologies to be more easily implemented.
- New 69.7, Time of Transfer Inspections -
  - New 69.7(1)“b” - Defined failure criteria for Time of Transfer inspections.
  - New 69.7(3)“e” - Clarified secondary treatment inspection procedures for Certified Time of Transfer Inspectors.
- New Appendix C, D, & E - Adding new appendices specifying construction and design standards for mound systems, at-grade systems. and intermittent subsurface sand filters (respectively).
- New Appendix E, Intermittent subsurface sand filters - Sizing is being clarified; siphon and pressure-dosed rates combined to be uniform 180 square feet of surface area per bedroom. Added clarification to EPS aggregate text to meet requirements equivalent to subrule 69.5(5) for both the collection and distribution lines. Added Table 4, Intermittent Subsurface Sand Filter Distribution Line Specifications.